

RULEMAKING NOTICE FORM

Notice Number _____

Rule Number Env-A 2700

<p>1. Agency Name & Address:</p> <p>Dept. of Environmental Services 29 Hazen Drive P.O. Box 95 Concord, NH 03302-0095</p>	<p>2. RSA Authority: <u>RSA 125-C:4,I(a)</u></p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <table style="width: 100%;"><tr><td>Adoption</td><td>_____</td></tr><tr><td>Amendment</td><td>_____</td></tr><tr><td>Repeal</td><td style="text-align: center;"><u>x</u></td></tr><tr><td>Readoption</td><td style="text-align: center;"><u>x</u></td></tr><tr><td>Readoption w/amendment</td><td style="text-align: center;"><u> x </u></td></tr></table>	Adoption	_____	Amendment	_____	Repeal	<u>x</u>	Readoption	<u>x</u>	Readoption w/amendment	<u> x </u>
Adoption	_____										
Amendment	_____										
Repeal	<u>x</u>										
Readoption	<u>x</u>										
Readoption w/amendment	<u> x </u>										

5. Short Title: HOT MIX ASPHALT PLANTS

6. (a) Summary of what the rule says and the effect of the rule on those regulated:

Env-A 2700 provides particulate matter, visible emission, and fugitive emission standards for hot mix asphalt plants. It will expire on January 18, 2005 unless readopted prior to that date. The proposed rule would readopt the existing rule, repeal the particulate matter and visible emission standards applicable to plants constructed on or before June 11, 1973, and expand the scope of the standards applicable to plants constructed after that date to all hot mix asphalt plants. All active hot mix asphalt plants in the state can meet the standards for plants constructed after June 11, 1973, so this change will have no effect on those constructed on or before June 11, 1973. In addition, rules addressing the transportation of scatterable materials, document inspection, and requirements contained in other Env-A rules would be repealed.

6. (b) Brief description of the groups affected:

The proposed rule affects hot mix asphalt plant owners and operators. There are currently 34 active, permitted plants in the State.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Provision of the Proposed Rule	Specific Section of State or Federal Statute or Regulation which the Rule is Intended to Implement
Env-A 2701 & 2702, Env-A 2703 – 2705 (renumbered from Env-A 2704 - 2706)	RSA 125-C:4,I(a)
Existing Env-A 2703, 2707 – 2709 (Repealed)	RSA 125-C:4,I(a)

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name:	Barbara Hoffman	Title:	SSMB Planning Manager
Address:	Dept. of Environmental Services P.O. Box 95 Concord, NH 03302-0095	Phone #:	(603)271-7874
		Fax#:	(603)271-7053
		E-mail:	bhoffman@des.state.nh.us
		TTY/TDD Access:	Relay NH 1-800-735-2964 or dial 711 (in NH)

The proposed rules can be viewed and downloaded at
<http://www.des.state.nh.us/ard/prpsdrul.htm>

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **September 27, 2004 at 4 p.m.**

☒ Fax
 ☒ E-mail
 ☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **September 15, 2004, 11:00 a.m.**

Place: **29 Hazen Drive, Concord, NH Room 114**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 04:126 , dated July 2, 2004

See Attached.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The proposed rules will impose a more stringent particulate matter emission limit on hot mix asphalt plants constructed on or before June 11, 1973. However, no currently active, permitted plant is owned or operated by a political subdivision of the state. Accordingly, the proposed rules do not violate Part I, Article 28-a of the New Hampshire Constitution, because they do not assign any new, modified, or expanded programs or responsibilities to political subdivisions of the state.